

11-14-'03 16:50 FROM-Lerner & Greenberg

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T-518 P07/15 U-317

Applic. No. 09/808,062  
Amdt. dated November 14, 2003  
Reply to Office action of July 14, 2003

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-6 and 10-23 remain in the application. Claims 1 and 13 have been amended.

In item 2 on page 2 of the Office action, claims 1-6 and 10-21 have been rejected as being obvious over Brewster et al. (GB 2 073 550 A) (hereinafter "Brewster") in view of the admitted prior art under 35 U.S.C. § 103.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 7, lines 5-19 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 13 call for, *inter alia*:

each respective electronic component holding information corresponding to a respective care symbol, and each of said

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plurality of transponders being configured to transmit information to a corresponding household appliance.

The Brewster reference discloses an automatic sorter for sorting articles of laundry. The automatic sorter disclosed in Brewster does not require a user or operator to handle each individual article of laundry. Furthermore, Brewster does not require a user/operator to visually read characteristics of individual articles of laundry in order to make determinations regarding future treatment of the articles. Therefore, Brewster does provide a person of ordinary skill in the art any motivation to use his teaching for any other known object. The entire content of Brewster is not generic in comparison to the subject matter of claims 1 or 13 of the instant application. Therefore, a person of ordinary skill in the art would not use the content of Brewster, because a person of ordinary skill in the art would not expect any further disclosure, which would be able to help them solve their problem.

The considerations in the reasons for the final rejection do not address this problem and in view of Brewster, they pertain to the question regarding technical tasks for treating articles of laundry, these tasks are not relevant to instant application. Instead, the instant application device claims

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are directed to permanently attached textile carriers with visually recognizable information and the method claims are directed to the production of the care labels as disclosed in the device claims. Methods for treating articles of laundry, such as the sorting of articles of laundry in Brewster, are not discussed in the claims of the instant application. Therefore, the Brewster reference is completely non-relevant.

Applicant notes that the Examiner's statement on page 7 of the Office action, that Brewster teaches the application of visible product care instructions on the transponders is respectfully believed to be incorrect. Due to the fact that the core of Brewster is to sort articles of laundry so that the articles are put on a certain transport path. In the case when the automation fails, the simplest information such as a color or number is sufficient for an operator to correctly distribute the articles of laundry. Furthermore, the operator is not concerned with any care instructions. Therefore, operators do not have to concern themselves with the type of treatment for a respective article of laundry. An operator obtains information on which treatment path to manually sort the articles of laundry from simple visible information such as color or number. Even though Brewster assumes that the article of laundry will be properly treated if placed on the proper treatment path, it is not guaranteed.

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This is different than the criticism regarding the state of the art on pages 2-3 of the specification of the instant application, where particularly the multiplicity of different care symbols and their combinations (by far more than the 10 disclosed in Brewster) are questioned with regard to the ability of an operator/user to memorize them. Any user can remember simple numbers or colors as disclosed in Brewster, and if the product care label were only to include such simple visible characteristics, there would be far less need to supplement them with machine readable characteristics as recited in claims 1 and 13 of the instant application.

Therefore, it is applicant's position that Brewster is not suitable for a combination with any of the other cited documents. Brewster teaches the preparation of articles of laundry for professional treatment in different processes, to this end the articles of laundry are provided with electro-magnetic transponders for sorting and distribution. These transponders also carry the most simplistic visual recognizable characteristics (numbers or colors) so that an operator can place them on the proper treatment path in the event that the automation fails.

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Contrary thereto, the subject matter of the present invention pertains to textile strips, as they are already sewn into each and every piece of laundry. According to the instant application these textile strips are provided with transponders, so that a household appliance such as a laundry treatment machine can recognize the pieces of laundry. Brewster does not provide any teaching to this regard.

Furthermore, regarding the Examiner's comments on page 7 of the Office action, that Brewster does not teach away from the inclusion of a visible code, applicant comments as follows.

In claims 1 and 13 the instant application recites that a plurality of transponders each attached to said textile carrier part, each have a respective electronic component, and each are associated with a respective one of the care symbols. Therefore, the instant application pertains to care symbols and not just to a visual code such as a color or a number as disclosed in Brewster. Furthermore, Brewster explicitly discloses that a label bearing only a simple number or color code could assist the process of hand sorting, relieving the operator of the need to identify fabrics or reading cleaning instructions (page 1, lines 97-100). Because care labels must be considered care instructions, Brewster's teaching would include care labels. Based on the above-given comments

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Brewster, Brewster explicitly teaches away from the Examiner's proposed combination of Brewster and applicant's admitted prior art.

In item 3 on page 4 of the Office action, claim 22 has been rejected as being obvious over Brewster (GB 2 073 550 A) as modified by the admitted prior art further in view of Tuttle et al. (U.S Patent No. 6,078,791) under 35 U.S.C. § 103. Tuttle et al. do not make up for the deficiencies of Brewster in view of admitted prior. Since claim 13 is believed to be allowable, dependent claim 22 is believed to be allowable as well.

In item 5 on page 5 of the Office action, claim 23 has been rejected as being obvious over Brewster (GB 2 073 550 A) as modified by the admitted prior art further in view of Reber et al. (U.S Patent No. 5,715,555) under 35 U.S.C. § 103. Reber et al. do not make up for the deficiencies of Brewster in view of admitted prior. Since claim 1 is believed to be allowable, dependent claim 23 is believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1 and 13. Claims 1 and 13 are, therefore, believed to be patentable over the art and

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since all of the dependent claims are ultimately dependent on claims 1 or 13, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-6 and 10-23 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$110 in accordance with Section 1.17 is enclosed herewith.

If an extension of time for this paper is required, petition for extension is herewith made.

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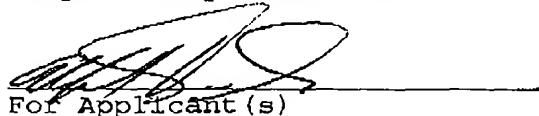
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Please charge any other fees which might be due with respect  
to Sections 1.16 and 1.17 to the Deposit Account of Lerner &  
Greenberg P.A., No. 12-1099.

Respectfully submitted,



For Applicant(s)

**Alfred K. Dassler**  
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AKD:cgm

November 14, 2003

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